



Keep the Faith, Change the Church

Statute of Limitation Reform: Advocacy Guide

*Prepared by the Voices in Action
Child Protection/Survivor Support Team*

Introduction and Background

The sexual abuse of a child by a parent, family member or trusted individual is a horrific violation of the most egregious kind. When the perpetrator is a religious figure the accompanying spiritual and psychological trauma increases exponentially and affects the entirety of a child's life extending well into adulthood.

Bringing criminal and civil laws regarding the sexual abuse of children into the 21st century is a formidable task but the passage of such legislation has been shown to be the most effective way to hold sexual predators of children accountable along with any public or private individuals or institutions that may have enabled or covered up such abuses.

While it is an accepted fact that most childhood sexual abuse happens in the home, as the new millennium began, faithful members of the largest religious denomination in the world were ill-prepared for the revelation of decades of sexual abuse happening in their spiritual homes primarily by priests but also including other church representatives.

The documented cover up of such evils by church leadership, not only in the United States but in countries around the world, has had an incalculable effect on the Roman Catholic Church's credibility and moral authority across a wide spectrum of issues.

This outrage resulted in the founding in 2002 of the advocacy group known as the Voice of the Faithful which now has affiliates across the United States and around the world. In full accord with Canon Law, its three goals are clear and unequivocal:

- Support survivors of clergy sexual abuse
- Support priests of integrity
- Help shape structural change within the Catholic Church

In 2009, in conjunction with VOTF's Voices in Action campaign (for details, see <http://www.votf.org/page/strategic-plan-emvoices-actionem/7703>) the organization formed a number of committees including the *Child Protection and Survivor Support committee*, CPSS, (<http://www.votf.org/cpss>).

The goals of the Child Protection and Survivor Support committee included development of a comprehensive guide that Voice of the Faithful members and other supporters may use to mount an effective campaign of legislative reform when bills addressing the statute of limitations for crimes of child sex abuse are introduced in individual state legislatures.

Historically, state statutes of limitation regarding the sexual abuse of children have been notoriously arbitrary, and they continue to be so in the majority of states. Even the most cursory reading of individual state statutes supports that reality.

Today harsher penalties, Megan's Law, predator-free zones, global position tracking systems, civil commitment and the like give a false sense of security when one realizes that sexual predators are in fact still protected by unreasonably short statutes of limitation. Moreover, even lengthening civil statutes rather than totally removing them is not in the best interests of those victimized.

Why is there more accommodation given in law to sexual predators and those individuals or institutions that enable them than to victims of childhood sexual abuse?

One historical fact illustrates the difficulties faced by those seeking to bring predators to justice: In 1875, when New York became the first state to initiate child protection laws in the United States, laws protecting animals were already almost a decade old. Our own children were a poor second to "man's best friend."

Today only a few states apply no criminal statutes of limitation regarding childhood sexual abuse, and the civil statutes in most states also are woefully inadequate to address the severity of the violations against children, which are oftentimes not recognized by victims until well into adulthood. Because the reporting of known or suspected sexual abuse by responsible authorities was not commonly practiced, these inadequacies in the laws related to childhood sex abuse mean that justice has been something rarely experienced by victim/survivors.

There are signs of hope. Florida recently passed legislation removing criminal and civil statutes of limitation (SOL) going forward relating to the sexual battery of a child under the age of 16. Florida's new law became effective July 1, 2010. In 2007, Delaware enacted the Child Victims Law. Other states are considering proposals that would remove the SOL protection now afforded child molesters.

Proposal for the SOL Advocacy Guide

Developing a guide for statute of limitation reform and making it readily available surfaced as an idea from the *Child Protection and Survivor Support committee* and moved forward with the establishment of a subcommittee chaired by Sister Maureen Turlish, a Sister of Notre Dame de Namur. Sister Maureen gained experience in advocating for SOL reform when supporting the passage of Delaware's Senate Bill 29, which was signed into law in 2007 as the Child Victims Law.

In addition to removing all statutes of limitation going forward in civil cases covering the sexual abuse children, SB 29 included a two-year legislative window for permitting the filing of any previously time-barred cases of abuse by anyone. Separate legislation was subsequently passed which called for a sex offender registry to list those held responsible for childhood sexual abuse in civil court.

The outline utilized for the Statute of Limitation Guide offered here was developed by another early advocate, supporter and lobbyist for Delaware's legislative reform: John Madison. John is a retired NASA lobbyist and he and his wife Avril worked tirelessly

with legislators at the state capital in Dover to explain and answer the questions legislators had about SB 29, the Child Victims Act.

The Landscape for State SOL Reform

Even with the few advances in reforming SOL laws regarding child sexual abuse, the victim/survivors of abuse that happened decades earlier still have little chance to obtain justice. For them, because lengthened criminal and civil SOLs apply going forward, justice has not simply been delayed, it has forever been denied.

There have been some efforts to rectify this injustice. California, for example, retroactively changed the criminal statutes for child sexual abuse, an effort that led to the incarceration of many individuals. But that law was found to be unconstitutional on the federal level, and it led to the freeing from prison of many criminally convicted sexual predators.

California then updated its civil statutes and included a one-year window for bringing forward previously time-barred cases of sexual abuse.

In the past, Delaware's laws in regard to childhood sexual abuse were among the worst in the United States. Delaware had a two-year statute both criminally and civilly for such cases. If a person sexually violated a child he or she escaped criminal prosecution if the crime was not reported to civil authorities within a two-year period—no matter what the age of the child at the time of the abuse.

Delaware failed in its initial attempt to amend its civil statutes regarding childhood sexual abuse in 2006. Chief among the attacks made against the bill was that it was anti-Catholic and would apply only to priests charged with the sexual abuse of children. While those charges, made mainly by church leadership through their lobbyists, Catholic Conference representatives, and the insurance carriers were specious, legislators believed the claims and the passage of that bill failed.

In a sense, that failure was providential because it led to:

The crafting of a much better bill by Senator Karen Peterson and Representative Deborah Hudson,

The establishment of a non-partisan, non-denominational coalition called **Child Victims Voice** (www.childvictimsvoice.com) which was supported by a cross section of individuals and organizations from the state of Delaware and from the broader community and included religious denominations as well as social service organizations.

The online pages of the **Child Victims Voice** coalition show the pro-active nature of the coalition, and there is much to be learned from them in setting up similar coalitions in other jurisdictions.

Opponents of legislative reform could now no longer claim, however erroneously, that such legislation was anti-Catholic because the legislation in fact aimed at all those who would sexually abuse children irrespective of race, color or creed of the predator.

In 2007, the state of Delaware was successful in completely removing its civil statute of limitation on childhood sexual abuse. The state also included a two-year civil window for previous cases with the signing of its Child Victims Law on July 10, 2007. More importantly, Delaware's new law and its accompanying window applied to everyone without exception.

Other states that have attempted to pass more adequate legislation include Colorado, Maryland, Pennsylvania, New York, Connecticut, Massachusetts, Ohio, Michigan and Wisconsin. Most have failed. Others promised to try again. After Delaware's passage of its Child Victims Law in 2007, it went on to enact a type of sex offender registry for those individuals found civilly liable for childhood sexual abuse.

Access to justice should not be constrained by arbitrary timeframes which are not in the best interests of victims. The words below by Delaware Senator Karen Peterson and Representative Deborah Hudson say it all:

“Some may think that Delaware’s experience in getting its Child Victims Act passed is not relevant or instructive to other states because of Delaware’s small size. In many ways, however, Delaware’s small size made it more difficult because the key players, legislators and Church officials, all know one another and have personal relationships and loyalties.

Delaware was successful in passing its Child Victims Act. Because a group of well-informed, passionate supporters, including local victims and their families, worked tirelessly, daily, to convince each member of the Delaware General Assembly, Democrat and Republican, that passing the bill was the right thing to do. By getting legislators to commit to the legislation prior to its introduction and convincing them to oppose any amendments to the bill, Delaware was able to keep its bill intact. Other states can do the same if they are ready, willing, and able to apply a ‘full-court press’ to the legislative process.”

The members of the *Child Protection and Survivor Support Team* and its subcommittee on **Statute of Limitation Reform** offer this guide with the hope and prayer that it may be of help in reforming laws which in many of our states violate both the human and civil rights of children and prohibit adult victim/survivors of childhood sexual abuse the access to justice that they deserve.

*Sister Maureen Turlish
Summer 2010*

ADVOCACY GUIDE FOR STATUTE OF LIMITATION REFORM REGARDING THE SEXUAL ABUSE OF CHILDREN

By John Madison

I. Research

A. History of the Problem

1. Major past contextual factors contributing to the problem (electoral shifts, shifts in public opinion, political partisanship, political ideology)
2. Past social construction of the problem: depth, breadth, essence of the problem; root causes and contributory factors; anticipated consequences of the problem; degree of urgency related to the problem; clarity of the understanding of the needs of the victims; clarity by which the problem was distinguished from related problems
3. Past stakeholders associated with the problem
4. Does the issue have a special place in America, like the “right to own guns,” “individual rights”; does it resonate with the public, policymakers?
5. The legislature’s history on the issue and related issues: supporters and opponents; leadership positions; prior legislation; voting records and prior attempts to resolve the problem; reasons for failure or partial success; key players in the outcome
6. Contextual factors affecting decision-making: political IOU’s and obligations
7. The positions of the governor and executive agencies responsible for the problem, and their strategies and tactics used
8. Nature of prior studies related to the issue

B. Current Contextual Matters That Are Likely to Affect a Legislative Campaign

1. Personal perceptions, prevailing values, opinions and beliefs of legislators
2. As related to the problem: election results perceived as mandates, perception of public opinion; immediacy of elections and potential for electoral politics

C. Understand the Legislature

1. **Makeup of the legislature:** political culture/ideology; power centers; opinion leaders; factions/voting blocs and their priorities; margins of political party representation; institutional structures of the legislature and their authority and jurisdictions (party caucuses, policy committees, etc.)
2. The “mood” of the legislature: innovative or incremental legislation; gridlock over ideological differences; factions and groups in conflict; general extent of unity, cooperation,
3. The nature of the working relationship between and within the two chambers of the legislature and with the chief executive and executive agencies
4. The rules, procedures and norms of each chamber in respect to how legislative process is conducted
5. Views about the issue; current activities related to the issue
6. **Leadership:** legislative and political agenda (the dominant priority issues, decided for the current session); location and distribution of power and how it is used; leadership styles – authoritarian, cooperative, self-serving; ideological; access by special interests; who do they respond to; views about the issue; reliability, credibility
7. **The political parties** (party adjuncts – caucuses, policy committees, party conferences, etc.): the nature of the relationship with the leadership; role and influence in the legislative process; legislative agenda; extent of unity and loyalty; locus of party decision-making; sources of advice; views about the issue
8. **Legislators:** ideology, reliability, credibility, voting records or public statements, views about the issue; loyalty and responsiveness to leadership, special interests, or constituents, political indebtedness, electoral concerns, stature among peers, political acumen and effectiveness, knowledge of issue, potential sponsors, legislative specialization
9. **Staff:** vital to access to members, credibility, reliability, political acumen for legislative process, extent of representation of and loyalty to boss, stature among members and peers, views about the issue and likelihood of success

D. Experts, Opinion Leaders External to the Legislature

1. Endorsement is essential; principal source of credible information for staff and legislators; credibility, reliability, objectivity

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2. Make certain their opinion on the nature of the problem, the proposed solution is consistent with the Coalition's view
 3. Nature of their working relationships with legislative leaders, important staff, as well as the chief executive and important executive officials

E. Groups, Special Interests

1. Be aware of the zealots, single-issue fanatics; know their policy preferences, ideologies, contributions, and likely connection with legislators of similar bent, mode of operation: political strategies and tactics
2. Power relations with similar competing groups; reliability and credibility, degree of organization, unity, and collaboration
3. Views on the issue, knowledge of the issue; nature and extent of access to decision-makers and influence thereon
4. Extent to which they represent true public opinion or the opinion of the survivors

F. Governor and Executive Agencies

1. Views, knowledge and priorities relative to the issue, and political agenda for the legislative session
2. Relationships with the centers of influence in the legislative process (access); mode of operation: conflict, cooperation, accommodation, responsiveness, delay
3. Role in the legislative process (active, passive, reactive, strategic, tactical), political acumen, political creativity, strategic and tactical focus, reliability, credibility
4. Existing operational or implementation constraints

G. Survivors

1. Extent of organization; potential for organization; degree of unity, cohesion;
2. Capacity to actively participate in the legislative campaign
3. Nature of their visibility and status in the policy arena, standing or perceptions of them by public and lawmakers
4. Size, location and distribution of this population, especially as to legislative districts and the state

H. Assessing Targets of Opportunity

1. Note exploitive events occurring in society and the policy arena that trigger and focus attention on the issue and its resolution; public opinions or shifts in public opinion, media coverage; the extent and nature of community efforts to support or oppose the issue.
2. Note the movement of related issues/solutions through the Legislature

II. Preparation of Initial Advocacy Documents

A. Problem Definition

1. Prepare an issue brief that includes: description of the essence or substance of the issue and its consequences to survivors and society, depth and breadth of the issue in state, the root causes and contributory factors causing the issue, the degree of urgency related to the issue, the proposed solution (indicate credible symbols that evoke sentiment and feeling (e.g. equity, due process); indicate the social relevance of the issue to attempt to get it to resonate with policymakers
 2. Avoid linking the issue with controversial issues; distinguish the issue from related issues
 3. Understand different existing perspectives of the issue and its solutions because policy problems are socially constructed by opinion leaders, the public and key players in the legislative process
 4. Avoid a complex definition – keep it simple; use credible data and/or studies to support the definition; the definition needs “staying power”
 5. Link the issue to credible, popular belief and value systems
 6. Ensure the problem definition and all messages remain consistent in all communications: **Stay on Message**
- B. Prepare, compile, and distribute to all legislators and staff credible and reliable background material that validates the nature, scope and depth of the problem and the contemplated action and anticipates questions by members and staff; include in an Internet web site that provides plans, status of actions, results thereof, and pertinent feedback
- C. Be mindful of contextual constraints revealed by research as to the legislature, the executive branch, opinion leaders, special interests, issue experts, the history and context of the issue

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- D. If possible, frame the issue and solution in the context of the current agenda in the Legislature

III. Initial Contact with the Legislature

- A. As a result of research – begin with chamber that is most appropriate to create an awareness of the issue and target offices of members who have demonstrated an active interest in the issue or related issues (in the past or presently); the first contact is with staff - prepare a meeting agenda/strategy; consult research notes about staff
- B. Prepare and distribute an issue brief and succinctly discuss the issue brief; anticipate questions and appropriate answers; have background materials readily available; the legitimacy, severity, and urgency of the problem has to be conveyed; determine member's views about the issue
- C. Be a careful listener and respond in a manner reflecting that degree of attention; seek staff advice about additional contacts; follow-up with call and visit with update on activities and relevant information; explore possibility of sponsors for a Bill

IV. Recruiting a Sponsor for the Legislative Proposal

- A. Role of the sponsor: to champion, defend, recruit support for Bill, recruit cosponsors and determine the need to negotiate provisions, and source of information for colleagues
- B. Characteristics of sponsor: a risk-taker, articulate, persuasive, careful listener, credible, reliable, innovative, stature among colleagues, sincere belief and personal interest in the resolution of the problem, an accurate understanding of the nature, causes and consequences of the issue (specifics and nuances), knowledge of the legislative history, an accurate understanding of the nature of the opposition, full commitment to devote time and energy to the proposed solution
- C. An accurate understanding of the true underlying motivations of the sponsor must be obtained
- D. Consider strategic structural positions held by potential sponsor in the legislature; member of committees of primary jurisdiction; leadership position(s) in the Legislature
- E. Consider primary sponsors from both chambers
- F. Ascertain how issue fits his/her legislative agenda

V. Initial Drafting of the Legislative Proposal

- A. Design the measure to make those affected and policy-makers perceive that there has been substantial improvement or resolution of the issue - addressing all perceived dimensions of the problem - as well as the perceived root causes and contributory factors
- B. Consider the most advantageous chamber for introduction of the Bill; note legal, technical, budget, administrative feasibility of proposal; consider the structure of the measure as an amendment to “moving legislation”; weigh the extent of directive language or mandates, the clarity or ambiguity of language for political purposes that improve likelihood of success
- C. Anticipate referral of Bill to a friendly Committee upon introduction, consider provisions that are negotiable and nonnegotiable - requires a full understanding of the nature and extent of committee jurisdictions
- D. Anticipate the opposition’s arguments
- E. Quality final product is essential because members’ reputations and trust are at risk

VI. Official Drafting of the Legislative Proposal

- A. Consult with Legislative Counsel or equivalent
- B. Check the leadership position, the Rules Committee position and the Committee of Jurisdiction position on the bill
- C. Consult with the governor’s Office of Financial Management Legislature’s financial organization for budget impacts

VII. Recruiting Co-sponsors of the Legislative Proposal

- A. Solicit the leadership, opinion leaders, prestigious/respected members, and as many reliable and credible members as possible to indicate a substantial body of support; aim for bipartisan co-sponsorship
- B. Ascertain **personal commitment** of the potential co-sponsor to an active role in the legislative process and to be knowledgeable about the issue, its cause, the appropriateness of the solution; understand the motives of the co-sponsors for participating
- C. Conduct a “Dear Colleague” letter campaign highlighting: the uniqueness and urgency of the proposal’ its relation to society’s goals; understand the criteria the potential co-sponsors will use to evaluate the merits of the proposal

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- D. Bring in special interests and constituents to assist the campaign, use members to recruit members
 - E. Recruit co-sponsors with same criteria to recruit sponsors
 - F. Consult with key staff and key opinion leaders to develop and execute a recruitment strategy

VIII. Timing the Introduction of the Legislative Proposal

- A. Weigh potential committee of primary jurisdiction's priorities and legislative agenda, as to substantive issues, workload, etc
- B. One last check for: a triggering/focusing event to attach the issue, "moving legislation" for possible amendment, appropriate chamber for introduction
- C. Consider the phase of the legislative session: early in the legislative session to allow for incubation of support and increased issue awareness - late in the session to gamble on distractions of the rush to adjournment
- D. Take into account the mood of the legislature as revealed by research
- E. Consider the urgency and importance of the issue; gauge the status of hostilities in the legislature and between the legislature and the chief executive
- F. Judge the pace of legislative activity in prospective Committee(s) and the Legislature; note the cutoff's or deadlines for legislative activity in the legislative agenda
- G. Prepare to negotiate joint referral, split referral, or sequential referral to Committees

IX. Conducting Campaign Efforts

- A. Look for a window of opportunity - a temporal convergence of political will and social movement; exploit triggering events or focusing events to draw attention to the issue.
- B. Use targeting strategies get members to recruit members and access to key members.
- C. Recruit committed, credible, disciplined and reliable external groups with real clout: organized groups have money, distribute literature, operate strategic telephone banks, organize visits to member offices, and coordinate electronic and postal communications.

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- D. Understand the motivations of individuals and groups joining the campaign; review their priorities relative to the specific interests of the campaign.
 - E. Understand that coalitions are usually heavily brokered temporary arrangements whose members will protect their most guarded individual interests at the expense of the coalition.
 - F. Maintain control of the coalition and stay focused on campaign messages; avoid repetitive, canned, form, printed messages.
 - G. Get objective, credible studies about the issue from credible experts.
 - H. Maintain communication networks for status-reporting, information sharing, feedback-reporting, intelligence gathering.
 - I. Work closely with staff; continually consult and coordinate plans and activities; work with the leadership personally; keep them informed; build personal relationships.
 - J. Use “Dear Colleague” letters, hand-written personal notes between members and personal meetings with members.
 - K. Build bipartisan support—characterizes issue as one of broad support.
 - L. Exploit members “devotion to constituents” if their constituents are survivors.
 - M. Execute print media strategies (letters to the editor, opinion articles) and broadcast media strategies (on-air interviews).
 - N. Flexible strategies and tactics are essential to respond to changing circumstances.
 - O. Always anticipate the opposition: partisan politics, single issue focus; anticipate the alignment of opponents, and undecided and the reasons for their positions.
 - P. Prepare for a long campaign; be mindful of time-honored delay tactics (committee referrals; continuous study demand; creation of a special task forces to investigate issues).
 - Q. Move the campaign through several complementary paths: the grass-roots level, the administration, the Legislature, the community.
 - R. Follow up all commitments and supportive actions from members with personal expressions of gratitude.
 - S. Use demonstrative lobbying strategically.

X. House and Senate Legislative Committees

- A. Understand the following:
 - 1. Formal and informal committee procedures, norms, mode of operation, decision-making, power centers
 - 2. Degree of partisanship; working relationships and roles among committee members and staff, with leadership in the Legislature, with the chief governor and executive agencies
 - 3. The distribution of opinion among committee members about the issue and related issues
 - 4. Note the margins of party representation among the committee membership for building support and voting
 - 5. Take into account the role and influence of the committee as a whole in the Legislature and the legislative process
 - 6. Disposition of leaders and members toward the issue/solution; management style of chairpersons (open, closed, authoritative, collaborative, etc.)
 - 7. The leadership's agenda and agenda priorities
 - 8. Purpose of committee hearings (public relations events, serious educational tools for legislators)
- B. Work with committee leadership and staff on hearings; suggest credible witnesses for informative testimonies; recruit coalition members to testify; recruit persuasive, skilled opinion leaders to testify.
- C. Fill hearing rooms and all executive session rooms to demonstrate support.
- D. Anticipate committee actions in regard to floor activity.
- E. Anticipate Conference Committee activities if the chambers approve different Bills.

XI. House and Senate Pre-Floor Activities

- A. Develop a floor strategy from “lessons learned” from committee activities and politics.
- B. Conduct vote counts; anticipate amendments; provide members with information for floor speeches; consult with leadership to get supportive floor testimony from external opinion leaders and recruit witnesses.
- C. Draft “Dear Colleague” letters for sponsors to apprise potential supporters of possible friendly or hostile amendments.
- D. Coalition engaged with communications to legislators.

XII. House and Senate Floor Activity

- A. Fill the chamber during floor debate and floor votes.
- B. Always get Coalition members to personally thank Legislators for support of successful legislation.
- C. Be prepared to support members with information useful to the floor activities.

XIII. Conference Committee Support and Activity

- A. Conference Committees are only necessary if each chamber passes different bills.
- B. Follow previous Committee suggestions.

XIV. Final Floor Activity

- A. It is necessary to consider the legislation approved by the Conference Committee of both chambers.
- B. Follow previous Pre-Floor and Floor suggestions.

The source of the above information is John Madison’s experience as an issue advocate for NASA and for the passage of the Delaware Child Victims Act, which was signed into law on July 10, 2007.

Factors Internal to the Legislature Affecting the Child Victims Bill

Source: Several members of the Delaware Legislature

By John Madison

Internal Contributors to Defeat in 2006

House Bill sponsor was not fully committed to the Bill:

1. Did not defend the Bill in Committee Hearing and meetings; displayed only minimum knowledge of Bill details and provided a minimum justification for the Bill
2. Had a personal agenda for provisions of the Bill that were not acceptable to many Senators
3. Cut a deal with the Committee chairperson to stall the Bill by the obvious manner in which the Chair conducted the Committee Hearing and Committee meetings
4. Successfully lobbied peers for a majority vote against the Bill; therefore it was tabled
5. Introduced the Bill very late in the Legislative session
6. Shared very little information with interested Senators
7. Displayed little knowledge about the issue and its consequences that I found on Medical Internet web sites to prepare an issue brief that I distributed to all members
8. Was not accessible to the Coalition to exchange information
9. Had a close relationship with the lobbyist and lawyer for the Diocese (I observed that in meetings that I had with them)

Internal Contributors to Success in 2007

- A. Another House member sponsored the Bill.
- B. The Senate and House sponsors were fully committed to the Bill; they were also:

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1. Highly articulate and adroit speakers with political acumen, debate and polemic skills;
 2. They fully researched the issue and were very knowledgeable about the facts and nuances of the issue.
 3. They were readily accessible to the Coalition to exchange feedback and intelligence frequently during the legislative campaign. (We prepped them several times; they accepted our advice on matters of uncertainty; they informed us of the arguments made by the Diocese.)
 4. They convinced the leadership of the Legislature to have key witnesses of our choosing to address the full House and Senate during floor debate. (This is a prerogative that is protected and preserved for special occasions in the Delaware Legislature; the key witnesses were excellent defenders of the Bill and vital to success.)
 5. The Senate sponsor convinced the Senate leadership to assign the Bill to a friendly Committee of secondary jurisdiction whose strong chairperson supported the Bill. (The chairperson had to use sharp-witted procedural skills to advance the Bill through the Hearing process because of significant opposition from those giving testimony and the skepticism of Senators.)
 6. The Senate and House sponsors worked the Bill by speaking one-on-one to all opposing members more than several times.
 7. The Senate and House sponsors introduced my wife and me to many members of the legislature to enable us to present our arguments in support of the Bill. (After the initial meeting we had ready access to the members; my wife and I spoke especially to members on the fence and members in opposition.)
- C. The Senate majority leader who opposed the Bill was absent during the campaign due to illness. (As leader he exercised the privilege by norm to table Bills by usually placing Bills in his desk drawer never to see the light of day.)
- D. The Senate Bill was introduced early in the legislative session to allow for information distribution, study, and our advocacy.

GLOSSARY OF LEGISLATIVE TERMS

Below are terms listed on Delaware’s official website found at www.legis.delaware.gov and clicking on “Legislative Process.” Most state websites have similar information on how bills become laws, who the legislators are, how to contact them, legislative terms, etc.)

Act

A bill that has passed both houses of the General Assembly in identical form and becomes law, with or without the Governor’s signature. A “general act” has form application throughout the state, while a “local act” applies only to a specific city or county.

Adjournment

Suspension of a legislative session. “Adjournment until a day certain” is a temporary suspension of proceedings during a session, while “adjournment sine die” marks the final closing of a session.

Appropriation

A budget act that authorizes the spending of public money for specific purposes.

Bill

A proposed law. Bills usually propose changes or additions to the existing statutory law.

Calendar

A daily listing of the bills and resolutions which have been reported from committee and are ready for final reading, debate, and voting by the full membership of a house. A “general calendar,” prepared by the Clerk of the House and the Secretary of the Senate governs the order of business for the session.

Caucus

A group of legislators who associate together on the basis of membership in a political party or common interests, and meet to discuss policy and strategy and coordinate their legislative efforts.

Clerk of the House

Is the chief administrative officer of the House of Representatives. Though not a Representative, the Clerk is a full-time staff official whose duties include receiving and printing all bills introduced in the House, recording all votes taken on the floor, and certifying the daily record of legislative action on bills and resolutions.

Code

A collection of a government’s statutes and their revisions. A state’s code is usually found in a series of volumes according to subject matter and is usually by title, chapter and section.

Committee

Committees of legislators include:

- a. A “Standing Committee” studies proposed legislation in some general field of legislative activity (e.g., Agriculture, Education and Health) and recommends to the full membership whether that legislation should be supported or not supported.
- b. An “Interim Committee” is appointed to meet between legislative sessions to study a particular problem and report back to the full membership.
- c. A “Committee of the Whole” is the designation for either the Senate or the House of Representatives when the entire membership meets as a committee to study matters under that chamber’s rules relaxed to permit more informal discussion.

Constitutional Majority

The Delaware Constitution requires a majority of the entire membership (regardless of how many are actually present) to vote for the passage of bills and resolutions that will have the effect of law. In contrast, many motions on procedural matters require only a “simple majority” or a majority of those present and voting.

Enrollment/Engrossment

Preparation of a bill in its final and official form to show the precise language of the measure passed by both houses.

Journal

The official record of legislative proceedings in each house.

Law

A general term, usually used for official acts and statutes of the legislature.

Legislative Council Research Division

The staff office that provides bill drafting, legal counseling, reference bill service and other legal assistance and services to members of the General Assembly and public.

L.O.T.

Laid on Table

Lobbying

Attempts by a person or group acting on behalf of others to influence legislation.

Majority Leader

That member chosen by each house majority party caucus to manage the passage of those bills it favors.

Motion

A formal proposal made by a legislator to take some type of procedural action, such as adjourning or holding a roll call vote.

President of the Senate

The title of the presiding officer in the Senate, held by the Lieutenant Governor.

President Pro Tempore

The Senator elected by the other members to replace the President in case of absence, disability or resignation. The President Pro Tempore appoints all members to standing committees.

Quorum

The minimum number of members required to be present to perform house business. In the General Assembly, the quorum for each house is a majority of its total members.

Resolution

A resolution is the formal expression of the opinion, sentiment or will, of one or both Houses of the General Assembly. There are three types of resolutions: simple, concurrent, and joint.

Simple Resolutions

A simple resolution is a motion of the house and deals with the internal affairs of that house only. The effect of its passage does not go beyond the bounds and the authority of that house.

Concurrent Resolutions

A concurrent resolution is used to accomplish the same purpose in relation to the entire legislature that a simple resolution accomplishes for either the House or Senate singly. A concurrent resolution adopted by the legislature does not become a statute, nor does it have the force and effect of law, nor can it be used for any purpose that requires the exercise of legislative power.

Joint Resolutions

A joint resolution is the most formal, and is addressed to matters that are not the internal affairs of either house individually, nor the internal affairs of the General Assembly as a whole. It is of no legal effect unless it is passed by both Houses and signed by the Governor. A joint resolution is not a law but is used to employ temporary measures and has the force of law while in effect.

Rules of Each House

The procedural rules or guidelines adopted by each house to govern its legislative conduct and action.

Secretary of the Senate

The chief administrative officer of the Senate, equivalent to the Clerk of the House, with the same status and duties.

Speaker of the House

The presiding officer of the House, a member of that body, is elected every two years. The many powers of this office include appointment of committees, their members and assignment of bills to committee.

Statute

The written permanent law formally enacted by the legislature.

Title

A bill's introduction summarizing and listing the subject matter of the bill as well as statutes affected by it.

Veto

The Governor's disapproval of a bill passed by the General Assembly. Unless overridden by a three-fifths vote of the total membership of each house, a veto prevents a bill from becoming law.

Additional Glossary Terms

Most of the terms below are from the website affiliated with and sponsored in part by Cardozo Advocates for Kids. The website, Reform the Statute of Limitation on Child Sexual Abuse, is found by clicking on “What is a Statute of Limitations?” at www.sol-reform.com.

Statute of Limitations

A Statute of Limitations (or SOL) is, simply, the maximum amount of time one has to bring a lawsuit from the time of the injury or other ground for a lawsuit.

SOLs vary from state to state and from claim to claim. For example, a SOL for a lawsuit about a contract may be different from a lawsuit about a personal injury and both may be of varying durations between different states. The statute of limitations may also be set to begin running at different times. Some SOLs begin running at the time of the injury and others begin running when the injury is discovered. In cases with minors, the SOL is “tolled” or doesn’t begin to run until the minor turns 18.

Difference Between a Criminal and a Civil Statute of Limitations

There is a difference between criminal and civil statutes of limitations. This difference may be found both in terms of their durations but, more importantly for our purposes, in their ability to be applied retroactively. In short, criminal statutes of limitations can not be applied retroactively. Once a statute of limitations runs out, even a guilty perpetrator can not be criminally charged.

On the other hand, the Supreme Court has ruled that civil statutes of limitations are merely a legislative convenience, made by the grace of the various Legislatures, and may be changed should the Legislature see fit. Thus, a statute of limitations may be extended and suits brought within this now-lengthened period.

It is often asked why a civil suit will help if perpetrators cannot be charged criminally. First, it publicly identifies abusers and allows their victims the justice they deserve. At the same time, pedophiles often have multiple victims over many years. Once a perpetrator is publicly identified, other victims often find the strength to come forward as well. In some cases, the abuse occurs within a criminal statute of limitations which does allow the criminal justice system to charge the abuser.

Window Legislation

Since civil SOLs are legislative conveniences which may be changed at the will of the Legislature, this also means that it is constitutional for a Legislature to allow victims who have run out of time under a statute of limitations to later bring a suit. This is brought about by passing “Window Legislation” and essentially opens a specified duration in which civil claims that would have been barred can be brought.

In the area of child sexual abuse, California and Delaware have passed so-called “Window Legislation” which revived the ability of victims to bring suit. In California, the window was opened in 2003 for one year, and about 1,000 new suits were filed. The suits identified approximately 300 perpetrators! Delaware opened a two-year window on in 2007 which will expire on July 10, 2009.

One concern often raised following discussion of a window is that it will encourage frivolous claims. While some meritless or false claims can arise, the same is true in any area but one must remember that the burden of proof is still on the plaintiff to prove that the abuse occurred. This in itself, along with potential legal consequences of bringing a false claim that is discovered, acts as a disincentive on frivolous claims. In the child sexual abuse area, experience with the California window has shown that the concern about meritless suits is no more of a problem than in other areas of the law.

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Not limited to or associated with a particular religious denomination.

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Based on, influenced by, affiliated with, or supporting the interests or policies of no single political party.